

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
August 20, 2018 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Cynthia Eaton, Norman Kazmark, Patrick Murphy, Dan Goss; David Rupp Highway Super, and Sherry Rupp, Town Clerk.

VISITORS: Ryan Frykholm, Jim & Linda Land, Laura Bradley, Paul & Linda Macakanja, Diane Hacker.

CALL TO ORDER: Supervisor Chilson called the meeting to order at 7:00pm. Regular Meeting Minutes for July 16, 2018, The Assessor report, Town of New Albion Justice court report, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

1. Email from Planning and Zoning Training for this fall.
2. Rcvd. Certificate of Final State Equalization Rate for 2018 Assessment Roll.
3. Email's from Mike Bogardus, Numerous Complaint's
4. Email from MDA Consulting Engineers- Re: Proposed Water District Engineering Services
5. Letter to Southern Tier Development Foundation.
6. Email from JRSearles@ Cattco.org-Re: PSC ruling on Charter/Spectrum
7. Letter from Cattaraugus County Land Bank Corp.
8. Email from Cattaraugus County Civil Service/World Trade Center
9. Email from Mary Bailey, Monthly Report

VISITORS: A large group of Lovers Lane residents attended the Town Board Meeting to express their concerns about the conditions of their homes as a result of the ground conditions in the Lovers Lane area. They have consulted an engineer to evaluate the soil conditions and the resulting conditions of their homes. The residents asked the New Albion Town Board for their assistance in applying for a Fema mandatory grant application. The Town Board agreed to pursue the matter and will consult with county engineer Mark Burr to begin application.

Resolution #50 - 2018 – Transfer of Funds.

On a motion by Councilman Murphy, second by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, Gene Doucette is authorized to transfer \$50,000.00 from Highway Townwide to checking account to pay bills.

Resolution #51 - 2018 – Transfer of Funds.

On a motion by Councilman Eaton, second by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, Gene Doucette is authorized to transfer \$7,700.00 from Highway DB to Highway DA.

Resolution #52 - 2018 – Transfer of Funds.

On a motion by Councilman Eaton, second by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, Gene Doucette is authorized to transfer \$400.00 from General A to the Cemetery Acct.

Resolution #53 - 2018 – Handicap Tags.

On a motion by Councilman Murphy, second by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, Sherry Rupp, Town Clerk is authorized to issue Handicap Tags for Village and Town residents.

Resolution #54 - 2018 – Re: Inter-Municipal Agreement.

On a motion by Councilman Murphy, second by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, The Town of New Albion has agreed to enter into an Inter-Municipal Agreement with the Village of Cattaraugus regarding the Water District Project contingent on the stipulations of the agreement.

Resolution #55 - 2018 – Town Highway Department Power Line.

On a motion by Councilman Eaton, seconded by Councilman Goss, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, The Village of Cattaraugus has permission to tap into the Town of New Albion Highway Department’s power line.

REPORTS:

Justice: Shannon Goode

Highway Dept.: David Rupp stated that the Town highway dept. has been concentrating on maintaining the towns gravel roads this month. Shoulders have been pulled, gravel added as needed and regrading to reshape and add crown. Completed so far Fuss road, Smith Hill, Pepperdine Hill and presently working on Ingersol Hill rd. Pot hole patching is also being done prior to skid patching on numerous town roads. On inclement weather days, the town dept. has been hauling sand for winter snow operations. Nova Site has informed the Town of another delay. The new start date is tentatively 8/27/2018.

Code Enforcer: Frank Watson reiterated the characteristics of the expansive clay soils in the Lovers Lane area. He stated that this is not a new problem as Lovers Lane has been shifting for many years but the higher than usual water table has allowed for the land to shift and slide causing obvious damage to the areas concerned. Frank stated permits are active with numerous construction projects throughout the summer construction season. Frank is in the process of addressing code violations on Blendeninger Road. Also 10004 Leon Road is still not in compliance, fines are being assessed as per Town of New Albion Court Judgement. Mr. Luce on Scott Hollow Road has a junkyard with no permits.

Resolution #56 - 2018 – Scott Hollow Rd. Junkyard.

On a motion by Councilman Murphy, seconded by Councilman Chilson, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, The Town of New Albion wants Mr. Luce on Scott Hollow Road to remove all junk cars from property.

Resolution #57 - 2018 – Gap Loan and Municipal Solutions.

On a motion by Councilman Eaton, seconded by Councilman Murphy, the following resolution was

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, David Rupp is authorized to make the necessary calls in regards to the Gap loan and Municipal Solutions regarding the Bridge project.

Assessor: Mary Bailey reported that with this being the last year for the local assessor taking Enhanced Star renewals, I would like to get the renewals out earlier than my usual December. Applicants will have to fill out their renewal form and a form for Taxation and Finance. I would like to send a cover letter explain the change. Since it is a big change, that’s why I’d like to mail them around mid to late October.

Board:

- Councilman Loyd Chilson – None
- Councilman Daniel Goss – None
- Councilman Norman Kazmark – None
- Councilman Cynthia Eaton – None
- Councilman Patrick Murphy - None

Clerk: I have received numerous complaints from Mr. Bogardus. I have forwarded the complaints to the appropriate departments and I have informed Mr. Bogardus that I will notify him once I have received the information he requested. Here are the answers to the following complaints:

Complaint: Yoder Green House do they have any permits and then just before Yoder’s a veg stand at the road in the r.o.w. been there for years and sell fruit that they don’t grow there. They are not in a business zone.

Answer: Town of New Albion Zoning Law: All greenhouses and farm stands are permitted, without zoning permit needed, in agricultural zones. Article 7, Section 7.1

Complaint: Town Board need to know the code officer works to state codes not just who they want to please, inform the Board.

Answer: I also enforce local zoning law along with state codes. We address each owner and property one at a time.

Complaint: Dawn Smith on Leon Road drying lumber outside is not to code along with the dumping of roofing from his business on his land Town must look into it or is it Gov.? Max Gross has state law for junkyard or dismantling where is it?

Answer: Please specify property by address number and I will inspect claims. The Town is honoring previous allowance dated 1993.

Complaint: Speed limit on Leon Road request to be lowered again. Drainage on Leon Road needs to be addressed. Stop sign needs to be more aggressive.

Answer: You will have to contact the county regarding the speed limit on Leon Road, that is a county road.

Complaint: Road side stands in r.o.w. how and why. I have many signs that was put on my land you have the Town come and get from me to address the problem or I will leave at the Town.

Answer: Bring your signs with you to the next board meeting and address the board with your concerns. The next board meeting is on September 17th, 2018.

Complaint: Loyd has had a small engine shop for years and there is too many people that know, but he has stopped now but 2 years ago he knowing he was not to code like Max he has not got a license for a junkyard through NYS or it would have had a sign on his building.

Answer: As for Loyd, there is no exterior evidence of business. No exterior advertising. As for Max this is an ongoing issue.

Complaint: The place on Mosher Hollow that was in court with me what happened there? Is he done or is it just the 3 wheel why is the lawn not mowed the Town needs to mow it at least the r.o.w. and the rest of the r.o.w. is not mowed town barns not mowed looks bad. Tug Hill Bridge is it closed or a walk bridge? Must be removed if not good (unusable) by Town code not to say anything about the state or county.

Answer: Any issues pertaining to court you will have to call the court. As for the grass at the Town barns the grass was mowed. Your question regarding Tug Hill has been answered in your previous Foil requests but it is "Red Flagged/Closed to traffic by NYS.

Complaint: Variance board meeting agenda is only one or more to be addressed? If more send me by email the agenda.

Answer: There is no variance board, therefore there is no agenda.

Complaint: Max has to have a NYS junkyard number that has a sign on building and Max was foiled many times without a paper from the town why and now you have the minutes to show the date it was brought to the board? Zoning Board of Appeals agenda looking for.

Answer: As for the Zoning Board, they do not meet on a regular basis. As of now there is no agenda. Max has previous allowances via Town cover page created.

Complaint: The cr81 nys laws is what the board needs to look at the law that is not grandfathered it is the law to keep the earth clean. So how is Max grandfathered did he have a junkyard permit or does he?

Answer: He has allowance to be auto repair from town letter dated 1993. Please come to town meeting and ask questions.

Clerk Report: July 2018, Amount Collected \$ 546.00

Animal Population Control: Check # 2518 \$ 45.00

Cattaraugus County Check # 2521 \$ 89.30

NYS Environmental Conservation Check# EFT \$94.48

NYS Dept. of Health Check# 2519 \$67.50

Town of New Albion Check # 2520 \$ 249.72

Amount Paid Out \$ 546.00

OLD BUSINESS:

- a) Constable Reclassification – Waiting on Reclassification from NYS
- b) Joint Planning Board – Proposed Signage Law Tabled for JPB Response
- c) Tannery Street Bridge
- d) Waverly Street Project – Nova anticipating start date 8/20/2018

NEW BUSINESS:

- a) Village Request for Water District/ Ashley is drafting up the agreement for the Town
- b) Property Tax Cap
- c) Bond Anticipation Note Maturity date is 9/21/2018
- d) Proposed Water District Engineering Services Contract/Signed and e-mailed back.
- e) Letter to Southern Tier Development Foundation/Grant. Signed and mailed back.
- f) Mike Bogardus-Complaints/Answered.
- g) Mike Bogardus requested a meeting with the county regarding drainage/Waiting on a date.
- h) Rent Increase

i) Handicap Tags

APPROVAL OF ABSTRACT:

Resolution # 58 - 2018 – Abstract # 8-2018 – August 20, 2018

On a motion by Councilman Murphy, seconded by Councilman Eaton, the following resolution was

ADOPTED Aye 5 Chilson, Goss, Eaton, Kazmark, Murphy
Nay 0

RESOLVED, that Abstract # 8 -2018 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11455-11471	\$ 3208.79
Highway DA	9063-9068	\$ 50883.05
Highway DB	3052-3058	\$ 24152.61
Highway Capital Bridge	131-132	\$ 7751.19
Cemetery Acct.	144	\$ 350.00

With no further business to discuss, the meeting was adjourned at 9.44 PM.

Respectfully submitted,
Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting: Regular Board Meeting September 17, 2018 7:00p.m.